UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,475	09/24/2001	Gilbert Moineau	SWA-001-US	8088

7590   08/26/2005

Piper Marbury Rudnick & Wolfe
1200 Nineteenth Street N W
Washington, DC 20036-2412

EXAMINER
PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/830,475	MOINEAU, GILBERT
	Examiner	Art Unit	
	Ashok B. Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 July 2005</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-10 are subject to examination.

Response to Arguments

2.   Applicant's arguments filed July 06, 2005 have been fully considered but they are
not persuasive for the following reasons:

Applicant's argument:

"Danknick's device does not dynamically assign network addresses on a
network. Danknick's device simply provides the address of the network device to a list
manager or receives and stores other network devices' addresses if it is the list
manager. Danknick does not determine a network address to be assigned to a device.
The network addresses are obtained by the network devices through some other
channel and are simply reported to the list manager for storage of a list. Danknick's
device does not have an address manager selecting new addresses not Included in the
store of unknown used addresses, and removing addresses from the store of unknown
used addresses when a client having one of the addresses In the store of unknown
used addresses requests a dynamically assigned address. Danknick's device simply
stores the list and does not select a free address to be given to the network device."

"Danknick's device does not detect a presence of a dynamic address assignment
server on the network and therefore does not disable the mechanism when a server is
detected."

"Danknick's list manager does not assign addresses. it simply stores them.
Therefore, it cannot be considered to be a dynamic address assignment server."

"Danknick's device does not have a memory store of unknown used addresses

and Danknick's device does not have a start-up mechanism checking the availability of

addresses on the network and placing used addresses in the memory store of unknown

used addresses."

Examiner's response:

Danknick teaches in col. 8, line 4-12, "The expiration time lets microprocessor 31 know

when a device address in the list of device addresses has expired. In this regard,

microprocessor 31 monitors expiration times of device addresses in the list, and based

thereon, microprocessor 31 is able to determine when a device address has expired.

Thereafter, microprocessor 31 queries a device at the expired address to provide an

updated device address, as described in more detail below."

Danknick teaches this microprocessor based Network Interface Board (NEB 2) in

Fig. 3, which can be located in any device as shown in Fig. 1.

Thus, Danknick's device does dynamically assign network addresses on a

network and Danknick does determine a network address to be assigned to a device,

and therefore Danknick's list manager does assign addresses. it does not only stores

them.

Danknick teaches in col. 4, line 37-50, "The network device includes a memory

which stores a device address of the network device and process steps for execution by

a processor, and which can store the list of device address for the LAN, a LAN interface

which interfaces to the LAN, over which communications are transmitted to an received

from the LAN, and a processor which executes the process steps stored in the memory

(1) to determine whether a list manager is operating on the LAN, (2) to control the network device to operate as a slave on the LAN when the processor determines that a list manager is operating on the LAN, and (3) to control the network device to operate as the list manager for the LAN when the processor determines that no list manager is operating on the LAN."

Thus Danknick's device does detect a presence of a dynamic address assignment server on the network and therefore does disable the mechanism (controlling the network device to operate as the list manager for the LAN when the processor determines that a list manager is operating on the LAN) when a server is detected.

Danknick teaches in conjunction with above, in col.7, lines 45-51, "In a preferred embodiment of the present invention, when NEB 2 is controlled to operate as the list manager for LAN 1, NEB 2 maintains a list of device addresses in DRAM 36. By storing the list of device addresses in a volatile memory, which erases the list when the device powers-down, NEB 2 ensures that an up-do-date list of device addresses will be maintained for LAN."

Thus Danknick's device does have a memory store of unknown used addresses and Danknick's device does have a start-up mechanism checking the availability of addresses on the network and placing used addresses in the memory store of unknown used addresses.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by

Danknick (US 6, 021, 429).

Referring to claim 1,

The reference teaches a network modem device comprising an integrated mechanism

for dynamically assigning network addresses on a network (col.1, lines 37-40,

"Accordingly, there exists a need for a system of maintaining a list of device addresses

for a LAN which does not require the addition of a separate server to the LAN."

Thereby the reference teaches to have an integrated mechanism such that the need for

the server is eliminated.), the network modem device being characterized in that (col.1,

lines 41-47, Fig.1, element 9, NIB, thereby the reference implies that the NIB can be

implemented anywhere in LAN, i.e. network as an integral part of the network device.) it

comprises:

a controller circuit detecting a presence of a dynamic address assignment server

on the network; an interrupter disabling said integrated mechanism when said controller

circuit detects said server (col.2, lines 11-24), and

a memory store of unknown used addresses; wherein said integrated mechanism

comprises: a start-up mechanism checking the availability of addresses on the network

and placing used addresses in said memory store of unknown used addresses (col.7,

lines 45-51, "In a preferred embodiment of the present invention, when NEB 2 is

controlled to operate as the list manager for LAN 1, NEB 2 maintains a list of device

addresses in DRAM 36. By storing the list of device addresses in a volatile memory,

which erases the list when the device powers-down, NEB 2 ensures that an up-do-date

list of device addresses will be maintained for LAN.")

an address manager selecting new addresses not included in said store of

unknown used addresses, and removing addresses from said store of unknown used

addresses when a client having one of said addresses in said store of unknown used

addresses requests a dynamically assigned address (col.3, lines 38-64, note: col.4,

lines 37-50, The reference teaches "The network device includes a memory which

stores a device address of the network device and process steps for execution by a

processor, and which can store the list of device address for the LAN, a LAN interface

which interfaces to the LAN, over which communications are transmitted to an received

from the LAN, and a processor which executes the process steps stored in the memory

(1) to determine whether a list manager is operating on the LAN, (2) to control the

network device to operate as a slave on the LAN when the processor determines that a

list manager is operating on the LAN, and (3) to control the network device to operate

as the list manager for the LAN when the processor determines that no list manager is

operating on the LAN." Thereby the reference insists that the entire process is

automated by NIB of Fig.1.)

Referring to claims 2 and 3,

The reference teaches the device according to claim 1, wherein said network modem

device is a digital network modem, and wherein said network modem device is

an ISDN modem. (col.1, lines 41-47, Fig.1, element 9, NIB, thereby the reference

implies that the NIB can be implemented anywhere in LAN, i.e. network as an integral

part of the network device.)

Referring to claim 4,

The reference teaches the device according to one of claims 1 to 3, wherein said

integrated mechanism provides a DHCP server function. (col.7, lines 45-51, "In a

preferred embodiment of the present invention, when NEB 2 is controlled to operate as

the list manager for LAN 1, NEB 2 maintains a list of device addresses in DRAM 36. By

storing the list of device addresses in a volatile memory, which erases the list when the

device powers-down, NEB 2 ensures that an up-do-date list of device addresses will be

maintained for LAN." , col.2, lines 1-10, col.4, lines 37-50, The reference teaches "The

network device includes a memory which stores a device address of the network device

and process steps for execution by a processor, and which can store the list of device

address for the LAN, a LAN interface which interfaces to the LAN, over which

communications are transmitted to an received from the LAN, and a processor which

executes the process steps stored in the memory (1) to determine whether a list

manager is operating on the LAN, (2) to control the network device to operate as a

slave on the LAN when the processor determines that a list manager is operating on the

LAN, and (3) to control the network device to operate as the list manager for the LAN

when the processor determines that no list manager is operating on the LAN." Thereby

the reference insists that the entire process is automated by NIB of Fig.1.)

Referring to claim 5,

The reference teaches the device according to claim 4, wherein said controller circuit

broadcasts a DHCP discover message on the network and listens to a response to

detect said presence of said server. (col.2, lines 24-28)

Referring to claim 6,

The reference teaches a method of enabling/disabling a mechanism for dynamically

assigning network addresses on a network, said mechanism being integrated into a

network modem device (col.1, lines 37-40, "Accordingly, there exists a need for a

system of maintaining a list of device addresses for a LAN which does not require the

addition of a separate server to the LAN." Thereby the reference teaches to have an

integrated mechanism such that the need for the server is eliminated., col.2, lines 11-

24), the method comprising:

        detecting a presence of a dynamic address assignment server on the

network; and disabling said integrated mechanism when said server is detected (col.2,

lines 11-24);

        checking the availability of addresses on the network after power on and

        loss of memory of previously dynamically assigned addresses; storing the used

addresses in a store of unknown used addresses(col.7, lines 45-51, "In a preferred

embodiment of the present invention, when NEB 2 is controlled to operate as the list

manager for LAN 1, NEB 2 maintains a list of device addresses in DRAM 36. By storing

the list of device addresses in a volatile memory, which erases the list when the device

powers-down, NEB 2 ensures that an up-do-date list of device addresses will be

maintained for LAN.");

selecting new addresses not stored in response to a request for a dynamically

assigned address; and removing an address from said store of unknown used

addresses when a client having one of said addresses is said store of unknown used

addresses requests a dynamically assigned address (address (col.3, lines 38-64, note:

col.4, lines 37-50, The reference teaches "The network device includes a memory which

stores a device address of the network device and process steps for <u>execution by a</u>

<u>processor</u>, and which can store the list of device address for the LAN, a LAN interface

which interfaces to the LAN, over which communications are transmitted to an received

from the LAN, and a processor which executes the process steps stored in the memory

(1) to determine whether a list manager is operating on the LAN, (2) to control the

network device to operate as a slave on the LAN when the processor determines that a

list manager is operating on the LAN, and <u>(3) to control the network device to operate</u>

<u>as the list manager for the LAN when the processor determines that no list manager is</u>

<u>operating on the LAN.</u>" Thereby the reference insists that the entire process is

automated by NIB of Fig.1.)

Referring to claims 7 and 8,

Claims 7 and 8 are claims to the method claims that are carried out by the device of the claims 2 and 3. Therefore, claims 7 and 8 are rejected for the reasons set forth for the claims 2 and 3.

Referring to claim 9,

Claim 9 is a claim to the method claim that is carried out by the device of the claim 4.

Therefore, claim 9 is rejected for the reasons set forth for the claim 4.

Referring to claim 10,

Claim 10 is a claim to the method claim that is carried out by the device of the claim 5.

Therefore, claim 10 is rejected for the reasons set forth for the claim 5.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within
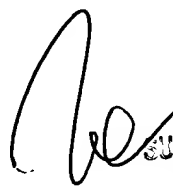
TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-

3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Abp
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JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100